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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,537	09/29/2003	Makoto Nomoto	00862.023255	7515
5514	7590	06/10/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, HUNG	
			ART UNIT	PAPER NUMBER
			2851	
DATE MAILED: 06/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,537	<b>Applicant(s)</b> NOMOTO, MAKOTO	
	<b>Examiner</b> Hung Henry V. Nguyen	<b>Art Unit</b> 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kosugi et al (U.S.Pat. 4,786,947).

As to claims 1 and 7-8, Kosugi et al (figure 1) discloses a temperature adjusting system (80) and a corresponding exposure apparatus for transferring a pattern formed on a reticle onto a substrate and comprising all basic features of the instant claims such as: a gastight chamber (40); a cooler (80) which cools an inert gas to be supplied to the chamber; a circulating path (47, 49) which circulates the inert gas through the chamber (40) and the cooler ; a first shut- off valve (51) arranged in the circulating path between the chamber and the cooler and a second shut off valve (53) arranged in the circulating path between the chamber (40) and an inlet port of the cooler.

As to claim 2, Kosugi et al disclose a filter (75) upstream of the first shut- off valve and down stream of the second shut-off valve.

With respect to claim 3, Kosugi et al teaches a blower (45) arranged in the circulating path upstream of the second shut-off valve.

As to claim 4, Kosugi et al discloses a suction path to be connected to the circulating path down stream of the first shut-off valve through a suction valve (67) in order to introduce a gas in an external atmosphere to the circulating path (see figure 1).

As claims 5-6, Kosugi et al further teaches an exhaust path (60) to be connected to the circulating path upstream of the second shut-off valve and downstream of the blower through an exhaust valve (69) in order to exhaust a gas in the circulating path to the external atmosphere.

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4. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki et al (U.S.Pat. 6,707,529).

With respect to claims 1, 7-8, Aoki et al discloses a temperature adjusting system and a corresponding exposure apparatus for transferring a pattern formed on a reticle onto a substrate and comprising all of the structure set forth in the instant claims such as: a chamber (7); a cooler (86) which cools an inert gas (for example, nitrogen) to be supplied to the chamber; a circulating path (88, 81) which circulates the inert gas through the chamber (7) and the cooler (see figures 1-2); a first shut-off valve (V23) arranged in the circulating path between the chamber and the cooler and a second shut off valve (V21) arranged in the circulating path between the chamber (7) and an inlet port of the cooler.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al (U.S.Pat. 6,707,529).

With respect to claims 2-6, Aoki et al discloses an exposure apparatus having a temperature adjusting system comprising substantially all of the limitations of the instant claims including a filter placed in the circulating path for removing chemical contamination in the gas

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flows (see col.19, lines 55-60); a blower (87) arranged in the circulating path; a suction path for introducing a gas in an external atmosphere to the circulating path; an exhaust path connected to the circulating path for exhausting a gas in the circulating path to the external atmosphere (see figure 1). Aoki et al does not expressly disclose these elements to be arranged as recited in the instant claims. However, it is the Examiner's position that the arrangement of these well known elements in an exposure apparatus, does not provide any inventive steps. It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange these elements to obtain the invention as specified in the instant claims for the purpose of providing an exposure apparatus capable of improving a cooling efficiency with ease of access and maintenance, since it has been held that re/arranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

#### ***Prior Art Made of Record***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fugie et al (U.S.Pat. 5,696,623) ; Shiraishi (U.S.Pat. 6,700,641) ; Koizumi et al (U.S.Pat. 4,704,348) discloses exposure apparatus having temperature adjusting system, each of which comprises substantially all elements as recited in the instant claims of the present invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V. Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hung Henry V Nguyen', with a long horizontal flourish extending to the right.

**Hung Henry V Nguyen**  
**Primary Examiner**  
**Art Unit 2851**

hvn  
6/3/05